

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1, 3-7, 19-21, 25, 27-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 are pending. Claims 1, 3-5, 7, 19-21, 25, 27-29, 31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 are amended and Claims 2, 26, and 124 are canceled by way of the present amendment. No new matter is introduced.<sup>1</sup>

In the outstanding Office Action, Claims 56, 58, and 60 were rejected under 35 U.S.C. § 112, second paragraph for insufficient antecedent basis; Claims 1-7, 19-21, 25-31, 62-66, 77-81, 83-86, and 124 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; and Claims 1-7, 19-21, 25-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, 112, and 124 were rejected under 35 U.S.C. § 102 (a) as anticipated by McFadden (U.S. Patent Application Publication No. 2003/0126137).

Applicants acknowledge with appreciation the courtesy of Examiner Timblin to interview this case with Applicants' representatives on March 19, 2008, during which time the issues in the outstanding Office Action were discussed as substantially summarized hereinafter and also on the Interview Summary. Proposed amendments to the claims were discussed, and Examiner Timblin indicated that they appeared to overcome the rejections under 35 U.S.C. §101.

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<sup>1</sup> Support for the amended claims can be found at least in the claims as previously filed and at least at page 48, line 21 to page 53 line 6 of the substitute specification filed on April 26, 2004, with reference to Figures 19 and 20, for example.

During the interview, Examiner Timblin requested that the claimed designated user and the claimed plurality of information items be more clearly defined. Following from this discussion, the claims are amended to clarify that the designated user is designated by a user ID and that the plurality of user information items includes user IDs, user names, user passwords, group IDs, group names, or membership of groups.

The outstanding Office Action notes that the phrase “said method” lacks antecedent basis in Claims 56, 58, and 60. Amended Claims 56, 58, and 60 each recite a method. In view of these amendments, all of the pending claims are believed to be definite and clear. Accordingly, it is respectfully requested that the rejection of Claims 56, 58, and 60 under 35 U.S.C. § 112, second paragraph be withdrawn.

The outstanding Office Action rejected Claims 1-7, 19-21, 25-31, 62-66, 77-81, 83-86, and 124 “because the claims include a ‘means’ in an apparatus that may directed towards a software *per se*.<sup>2</sup> Amended independent Claims 1, 19, 25, 62, 77 and 83 each recite a processor. Amended independent Claims 1, 19, 25, 62, 77 and 83 each further recite a computer readable medium storing processor-executable instructions, and that when the instructions are executed by the processor, the apparatus respectively recited in each of independent Claims 1, 19, 25, 62, 77 and 83 includes, *inter alia*, the means respectively recited in Claims 1, 19, 25, 62, 77 and 83.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106.01(I) provides,

**a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the**

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<sup>2</sup> See the outstanding Office Action at page 3, lines 12-18.

**computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Thus, based on the clear language of this section, amended independent Claims 1, 19, 25, 62, 77 and 83 are statutory as they defines a functionality which is realized based on the interrelationship of the structure to the medium and the recited hardware component (the processor). Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 101 of independent Claims 1, 19, 25, 62, 77 and 83, and Claims 3-7, 18-21, 27-31, 63-66, 78, 79, 81, and 84-88 depending therefrom be withdrawn.

It is respectfully requested that the rejection of Claims 1-7, 19-21, 25-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, 112, and 124 under 35 U.S.C. § 102 (a) as anticipated by McFadden be withdrawn.

Independent Claim 1 relates to a merge information providing apparatus. Amended independent Claim 1 recites, *inter alia*:

a plurality of means for providing *a plurality of user information items regarding a plurality of users*;

means for receiving an acquisition request relating to a *designated user of the plurality of users*, the designated user being designated by a user ID;

means for acquiring *only designated user information items regarding said designated user from among said plurality of user information items regarding said plurality of users from each of said plurality of user information providing means in response to said acquisition request*, said plurality of user information items including user IDs, user names, user passwords, group IDs, group names, or membership of groups; and

means for merging said acquired designated user information items from each of said plurality of user information providing means *into a single designated user information item*. (Emphasis added.)

Turning to the applied reference, McFadden relates to dynamic group generation management. As illustrated in Figure 1, a dynamic group management system (12) includes

synchronizer programs (50, 52) on hub and spoke computers (14, 16).<sup>3</sup> As described at paragraph 45, the synchronizer programs *maintains synchronization* between the respective user and group records on hub and spoke computers, as well as updating group memberships to reflect changes made to the user records in the user databases. The synchronizer programs may be configured to perform various tasks on a periodic basis, or may be configured to perform certain tasks in response to certain events. For example, an update to a dynamic group may be triggered by an addition or deletion of a user record in a user database. However, McFadden fails to disclose or suggest means for acquiring *only designated user information items* regarding a designated user from among a plurality of user information items regarding a plurality of users from each of said plurality of user information providing means in response to an acquisition request relating to a *designated user of the plurality of users*, as recited in amended Claim 1.

Instead, McFadden describes that “synchronizer program(s) perform a number of useful functions, including *maintaining synchronization* between the respective user and group records on hub and spoke computers, as well as updating group memberships to reflect changes made to the user records in the user databases. The synchronizer program(s) may be configured to perform various tasks on a periodic basis, or may be configured to perform certain tasks in response to certain events. For example, an update to a dynamic group may be triggered by an addition or deletion of a user record in a user database.”<sup>4</sup> Thus, McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*, and does not disclose or suggest means for acquiring *only designated user*

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<sup>3</sup> See McFadden, at paragraph [0045].

<sup>4</sup> See McFadden, at paragraph [0045], emphasis added.

*information items* regarding a *designated user* or means for merging the acquired designated user information items *into a single designated user information item*, as recited in amended independent Claim 1.

Accordingly, McFadden fails to disclose or suggest all of the features of amended independent Claim 1. It is submitted that amended independent Claim 1 and Claims 3-7 depending therefrom are in condition for allowance.

Amended independent Claim 19 relates to an information providing apparatus.

Amended independent Claim 19 recites, *inter alia*:

*means for providing a plurality of different information items regarding a designated user that have been merged into a single information item in response to a request...*

*...said plurality of different information items regarding said designated user that have been merged into said single information item *only including designated user information items regarding said designated user acquired from among said plurality of user information items regarding said plurality of users from each of said plurality of user information providing means*.*  
(Emphasis added.)

Turing to the applied reference, McFadden fails to disclose or suggest a plurality of different information items regarding a designated user that have been merged into a single information item, in which the single information item *only includes* designated user information items regarding the designated user acquired from among a plurality of user information items regarding a plurality of users from each of a plurality of user information providing means. Instead, as discussed above, McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. Indeed the outstanding Office Action states that “McFadden teaches an automated synchronization method (paragraph 0016) changes made in spoke computers will be kept in synchronization between

the hub and target (i.e. spoke) computers. By way of using such a synchronization process, McFadden describes a merge operation (i.e. the new information present in the spoke computers will be essentially merged with the hub computer in an effect to bring the hub computer current). Therefore, in this interpretation, the data contained in the hub computer can as well be seen as merge information.<sup>5</sup> Even if new information from a spoke computer is *automatically incorporated* into a hub computer, such synchronized information is not the claimed single information item that *only includes* designated user information items regarding a designated user acquired from among a plurality of user information items regarding a plurality of users from each of a plurality of user information providing means.

Accordingly, McFadden fails to disclose or suggest all of the features of amended independent Claim 19. It is submitted that amended independent Claim 19 and Claims 20 and 21 depending therefrom are in condition for allowance.

Independent Claim 25 relates to a managing apparatus. Amended independent Claim 25 recites, *inter alia*:

*means for acquiring only designated user information regarding a designated user from among said plurality of information items regarding said plurality of users from each of said plurality of means for providing said plurality of information items regarding said plurality of users, and for merging said acquired designated user information items regarding said designated user from each of said plurality of means for providing said plurality of information items into a single designated user information item.* (Emphasis added.)

Turing to the applied reference, McFadden fails to disclose or suggest the claimed means *for acquiring only designated user information* regarding a designated user and *for merging the acquired designated user information items regarding the designated user* from

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<sup>5</sup> See the outstanding Office Action at page 25, lines 14-21.

each of a plurality of means for providing a plurality of information items into *a single designated user information item*. Instead, as discussed above, McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. The Office Action asserts that “McFadden teaches maintaining users and groups in various spoke computers to integrate (i.e. merge) that information into a common directory (McFadden at 0089).”<sup>6</sup> Paragraph [0089] of McFadden states that “In the exemplary security management implementation discussed hereinafter, the user and group databases are integrated into a common LDAP-based directory database.” Thus, McFadden describes that *all* user and group databases are integrated into a common LDAP, but fails to disclose or suggest means for acquiring *only designated user information* regarding a designated user from among a plurality of information items regarding a plurality of users from each of a plurality of means for providing a plurality of information items regarding a plurality of users.

Accordingly, McFadden fails to disclose or suggest all of the features of amended independent Claim 25. It is submitted that amended independent Claim 25 and Claims 27-31 depending therefrom are in condition for allowance.

Each of amended Claims 44, 48, 50, 54, 56, and 60 recite, *inter alia*:

acquiring *only designated user information items regarding a designated user* from among said plurality of information items regarding said plurality of users from each of said plurality of user information items providing means...

...merging said acquired designated user information items regarding said user from each of said plurality of user information providing means *into a single designated user information item*...  
(Emphasis added.)

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<sup>6</sup> See the outstanding Office Action at page 25, lines 11-14.

As discussed above with reference to amended independent Claims 1, 19, and 25 McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. Thus, McFadden fails to disclose or render obvious acquiring *only designated user information items regarding a designated user* and merging *the acquired designated user information items regarding the user* into a *single designated user information item*. Accordingly, McFadden does not disclose or suggest the features of amended independent Claims 44, 48, 50, 54, 56, and 60. It is submitted that amended independent Claims 44, 48, 50, 54, 56, and 60 are in condition for allowance.

Each of amended Claims 46, 52, and 58 recite, *inter alia*:

...providing...a plurality of different information items *regarding a designated user* to said merge user information providing apparatus, said plurality of different information items regarding said designated user *only including designated user information items regarding said designated user* acquired from among said plurality of user information items regarding said plurality of users from each of said plurality of user information providing means. (Emphasis added.)

As discussed above with reference to amended independent Claims 1, 19, and 25 McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. Thus, McFadden fails to disclose or render obvious providing a plurality of different information items *regarding a designated user* in which the plurality of different information items *only including designated user information items regarding the designated user*. Accordingly, McFadden does not disclose or suggest the features of amended independent Claims 46, 52, and 58. It is submitted that amended independent Claims 46, 52, and 58 are in condition for allowance.

Amended independent Claim 62 recites, *inter alia*:

means for acquiring *only a first designated user information item regarding a designated user* registered to a first one of said plurality of user information providing means...

means for acquiring *only a second designated user information item regarding said designated user* registered to a second one of said plurality user information item providing means...

means for merging said acquired first and second designated user information items regarding said designated user *into a single merged designated user information item.* (Emphasis added.)

As discussed above with reference to amended independent Claims 1, 19, and 25

McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately.* Thus, McFadden fails to disclose or render obvious means for acquiring *only a first designated user information item regarding a designated user*, means for acquiring *only a second designated user information item regarding said designated user*, and means for merging said acquired first and second designated user information items regarding said designated user *into a single merged designated user information item.*

Accordingly, McFadden does not disclose or suggest the features of amended independent Claim 62. It is submitted that amended independent Claim 62 and Claims 63-66 depending therefrom are in condition for allowance.

Amended Claim 77 recites, *inter alia*:

means for providing *only designated user information items regarding a designated user* from among a plurality of user information items regarding a plurality of users...

As discussed above with reference to amended independent Claims 1, 19, and 25

McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately.* Thus, McFadden fails to disclose or render obvious means for providing *only designated user information items regarding a designated user* from among a plurality

of user information items regarding a plurality of users. Accordingly, McFadden does not disclose or suggest the features of amended independent Claim 77. It is submitted that amended independent Claim 77 and Claims 78, 79, and 81 depending therefrom are in condition for allowance.

Amended Claim 83 recites, *inter alia*:

means for acquiring *only designated user information items*  
... from among said plurality of user information items regarding  
said plurality of users...merging said acquired designated user  
information items regarding said designated user *into a single*  
*merged designated user item.*

As discussed above with reference to amended independent Claims 1, 19, and 25 McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. Thus, McFadden fails to disclose or render obvious means for acquiring *only designated user information items* and merging the acquired designated user information items regarding the designated user *into a single merged designated user item*. Accordingly, McFadden does not disclose or suggest the features of amended independent Claim 83. It is submitted that amended independent Claims 83 and Claims 84-88 depending therefrom are in condition for allowance.

Each of amended Claims 100, 105, 113, 116, and 121 recite, *inter alia*:

acquiring ... *only a plurality of different information items*  
*regarding a designated user...*  
merging said acquired plurality of different user  
information items regarding said designated user *into a single*  
*merged designated user information item...*

As discussed above with reference to amended independent Claims 1, 19, and 25 McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. Thus, McFadden fails to disclose or render obvious acquiring *only a*

*plurality of different information items regarding a designated user* and merging the acquired plurality of different user information items regarding the designated user *into a single merged designated user information item*. Accordingly, McFadden does not disclose or suggest the features of amended independent Claims 100, 105, 113, 116, and 121. It is submitted that amended independent Claims 100, 105, 113, 116, and 121 are in condition for allowance.

Each of amended Claims 103, 111, and 119 recite, *inter alia*:

providing *only...* a plurality of different information items *regarding a designated user* from among said plurality of information items regarding said plurality of users...

As discussed above with reference to amended independent Claims 1, 19, and 25 McFadden describes synchronizing *all user information* on hub and spoke computers (14, 16) *indiscriminately*. Thus, McFadden fails to disclose or render obvious providing *only* a plurality of different information items *regarding a designated user* from among a plurality of information items regarding a plurality of users. Accordingly, McFadden does not disclose or suggest the features of amended independent Claims 103, 111, and 119. It is submitted that amended independent Claims 103, 111, and 119 are in condition for allowance.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1, 3-7, 19-21, 25, 27-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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